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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,966	05/29/2001	Fang Wu	CISCP219	9757

22434 7590 12/21/2004
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EXAMINER

WU, JINGGE

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/867,966	Applicant(s) WU ET AL.	
	Examiner Jingge Wu	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/14/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Applicant's election with traverse of group II in paper No. 5 is acknowledged. Applicant's argument in paper No. 6 is persuasive, thus Examiner expressly withdraws the restriction requirement. Accordingly, claims 1-46 are now presented for prosecution.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 8, 22, 31, and 40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6, 20, 35, and 50 of U.S. Patent No. 6763070. Although the conflicting claims are not identical, they are not patentably distinct from each other because all limitations in the claims of the present application are claimed in the claims of US 6763070, which is a broad version regarding the claims.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the claimed limitations of US 6763070 in order to reconstruct the claimed limitations of the instant case.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 6, 8-11, 13-14, 16, 22-25, 27, 31-34, 36-37, 39-40, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5907304 to Liu.

As to claim 1, Sato discloses a method of reducing the bandwidth constraints, the method comprising:

identifying transform coefficients representing video content in a frame or a portion of frame of the video bitstream (col. 2 line 64-col. 4 line 19, especially col. 4 lines 1-19); and

filtering selected transform coefficients from the video bitstream to thereby reduce the bit rate of the video bitstream thereby reduce the bit rate of the video bitstream (col. 9 lines 34-40, col. 15 lines 3-15 and col. 11 lines 9-44, note that filtering can produce modified bitstream that provides the reduction of bit rate).

As to claim 6, Sato further discloses the filter can be altered on a per block basis (col. 9 lines 27-52, note that it is inherent because of DCT blocks).

As to claim 8, Sato discloses a method of filtering transform coefficients associated with an input bitstream, method comprising:

identifying transform coefficients associated with an input bitstream (col. 4 lines 1-19);

selecting transform coefficients for filtering to provide modified transform coefficients (col. 15 lines 3-15 and col. 11 lines 9-44); and

generating an output bitstream, wherein the output bitstream associated with modified transform coefficients uses less bandwidth than the input bitstream associated with the transform coefficients (fig. 3, col. 1 lines 12-20, col. 3 lines 18-67, col. 11 line 39-col. 12 line 65, note that the purpose of the modified bitstream coefficients are used to generate output bitstream with "conserved bandwidth").

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As to claim 9, Sato further discloses using VL coding on the input bitstream (fig. 3, 205).

As to claim 10, Sato further discloses identifying transform coefficients comprises acquiring the coefficients from a file (fig. 3, col. 9 lines 30-53, this is inherent because of each block of DCT coefficients).

As to claims 11 and 13, Sato further discloses DCT, DCT coefficients (fig. 3, col. 9 lines 27-53).

As to claim 14, Sato further discloses VLC (fig. 3, 305).

As to claim 16, Sato further discloses selecting a filter (col. 9 lines 34-39 and col. 15, lines 3-18).

As to claim 22-25, 27, 31-34, 36-37, 39-40, and 42 the claims are the corresponding apparatus and computer readable medium claims to claims 1, 6, 8-11, 13-14 and 16. the discussions are addressed with regard to claims 1,6, 8-11, 13-14 and 16.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 7, 12, 17-22, 26, 28-30, 35, 38, 41, 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato.

As to claims 2-5, 7, 12, 17-22, 26, 28-30, 35, 38, 41, 43-46, Sato discloses a DCT coefficient scanning and special filtering but does not explicitly mention DCT on

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audio, cut-off index (i.e. cut-off number of coefficients), threshold filter, zero/one filter, low/high pass filters, band-pass filters, 8X8 filters, and one dimensional filters.

Examiner takes Official Notice that those features are notoriously well known in the art, e.g. selecting DCT coefficients using partially scanning (cut-off index), and all limitations of filters belongs to special filtering).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the features in the system of Sato in order to expand the applicability of the system of Sato and improve the efficiency of the image encoded.

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Primary Patent Examiner

